

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

VERNON 4540 REALTY, LLC,

Debtor.

Chapter 11

Case No. 20-22919 (RDD)

CSC 4540, LLC, 45-50 VERNON LP,
JSMB 4540 LLC, and JSMB 4540 MM
LLC,

Plaintiffs,

v.

VERNON 4540 REALTY, LLC, and
BRENT CARRIER

Defendants.

Adv. Pro. No. 20-07020 (RDD)

**ORDER DENYING DEFENDANT BRENT CARRIER’S MOTIONS TO
VACATE, SET ASIDE, ALTER, AMEND, OR RECONSIDER THE COURT’S
MARCH 29, 2021 ORDER GRANTING PLAINTIFFS’ MOTION FOR
SUMMARY JUDGMENT AND DIRECTING THE APPOINTMENT OF AN
EXAMINER WITH POWERS PURSUANT TO 11 U.S.C. § 1104(c)**

Upon the motions of Defendant Brent Carrier (“**Carrier**”), *Defendant Brent Carrier’s Motion to Vacate, Set Aside, Alter or Amend Order Granting Plaintiff’s Motion for Summary Judgment and Directing Appointment of an Examiner With Powers Pursuant to 11 U.S.C. § 1104(c)* [AP Docket No. 62] and *Defendant Brent Carrier’s Motion for Reconsideration of March 29, 2021 Order Granting Plaintiff’s Motion for Summary Judgment and Directing Appointment of an Examiner With*

Powers Pursuant to 11 U.S.C. § 1104(c) [AP Docket No. 64], both dated April 12, 2021 (together, the “**Motions**”)¹; and Plaintiffs having filed their *Opposition to Defendant Brent Carrier’s Motion to Vacate, Set Aside, Alter, or Amend the Court’s Order (“Opposition”)* [AP Docket No. 78]; and the Court having jurisdiction to consider the Motions and the relief requested therein under 28 U.S.C. §§ 157(a)-(b) and 1334(b), and consideration of the Motions and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and service and notice of the Motions having been due and sufficient under the circumstances, and it appearing that no other or further notice is required; and the Court having reviewed and considered the Motions and Opposition; and the Court having granted an expedited hearing on the Motions pursuant to *Defendant Brent Carrier’s Motion to Shorten Notice and Request for Hearing With Respect to Motion to Vacate, Set Aside, Alter, or Amend Order Granting Plaintiff’s Motion for Summary Judgment and Directing Appointment of an Examiner With Powers Pursuant to 11 U.S.C. § 1104(c)* [AP Docket No. 79], which hearing was held on April 28, 2021 (the “**Hearing**”); and upon the record of the Hearing; and, after due deliberation and for the reasons stated by the Court in its bench ruling at the Hearing, the Court having determined that the Motions do not satisfy the standard for reconsideration of the Court’s *Order Granting Plaintiffs’ Motion for Summary Judgment and Directing Appointment of an Examiner With Powers Pursuant to 11 U.S.C. § 1104(c)*, dated March 29, 2021 [AP Docket No. 60] (the “**Summary**”

¹ All capitalized terms not otherwise define in this Order shall have the meanings ascribed to them in the Motions.

Judgment Order”), or to vacate, set aside, alter or amend the Summary Judgment Order, under Rules 59(e) or 60(b) of the Federal Rules of Civil Procedure, respectively, as incorporated by Fed. R. Bankr. P. 9023 and 9024, and that denial of the Motions therefore is warranted; now, therefore, it is hereby

ORDERED that the Motions are denied; and it is further

ORDERED that the Summary Judgment Order remains in full force and effect; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and/or enforcement of this Order.

Dated: White Plains, New York
May 4, 2021

/s/Robert D. Drain

HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE